

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| JOANNE E. SALVA, | : | Via ECF |
| | : | |
| Plaintiff, | : | 07 CV 5673 (KMK) |
| | : | |
| - against - | : | AFFIDAVIT OF PHILIP A. |
| | : | GOLDSTEIN IN SUPPORT |
| DOLLAR TREE STORES, INC. and, | : | OF DEFENDANT SCOTT |
| SCOTT REESE | : | <u>REESE'S MOTION TO DISMISS</u> |
| | : | |
| Defendant. | : | |

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STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

PHILIP A. GOLDSTEIN, being duly sworn, deposes and says:

1. I am a member of the law firm McGuireWoods LLP, attorneys of record for defendant Scott Reese. ("Defendant").

2. I am familiar based on personal knowledge, information and belief with the facts and circumstances hereinafter set forth. I make this affidavit in support of Defendant's motion to dismiss Plaintiff's complaint and action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

3. On information and belief, on or about June 14, 2007, Plaintiff commenced this action by causing her Complaint to be filed with the Clerk of United States District Court for the Southern District of New York. On July 30, 2007, Plaintiff served Defendant with a copy of the Summons and Complaint by mail together with an acknowledgement of receipt of complaint dated July 27, 2007. Defendant's response to the Complaint is to be filed no later than September 12, 2007. A copy of the Complaint is annexed hereto as Exhibit A.

WHEREFORE, Defendant respectfully request that the Court (1) grant Defendant's motion to dismiss Plaintiff's Complaint and Action with prejudice; (2) grant Defendant his costs and attorneys' fees; and (3) grant such other and further relief as this Court deems just and proper.



PHILIP A. GOLDSTEIN

Sworn to before me this
12th day of September, 2007



NOTARY PUBLIC

EILEEN CHIN
Notary Public, State of New York
No. 01CH8075750
Qualified in New York County
Commission Expires June 10, 2010

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOANNE E. SALVA,

Case No. 07CV5673 (KMK)

Plaintiff,

v.

**DOLLAR TREE STORES, INC., and
SCOTT REESE,**

Defendants.

**AFFIDAVIT OF PHILIP A. GOLDSTEIN IN SUPPORT OF
DEFENDANT SCOTT REESE'S MOTION TO DISMISS**

McGUIRE WOODS LLP

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Attorneys for Defendants**